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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,539	12/11/2003	Timothy A. Tamcsin	20030317.ORI	2641
23595	7590	02/23/2006	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			MILLS, DANIEL J	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,539

Applicant(s)

TAMCSIN, TIMOTHY A.

Examiner

Daniel J. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because lead lines in Figure 2 should be solid, center lines (23) should be dashed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities: "the vehicle" in line 11 should be changed to be --the motorcycle--.

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Claim 3 is objected to because of the following informalities: "the handlebars" in lines 11, 13, and 14 should be changed to be --the handlebar--.

Claim 3 is objected to because of the following informalities: "the clamps" in lines 12-14 should be changed to be --the clamp--.

Claim 3 is objected to because of the following informalities: "the forks" in lines 12 and 13 should be changed to be --the fork--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recite the limitation "the vehicle" in line 11 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the handlebars" in lines 11, 13, and 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the clamps" in lines 12-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the forks" in lines 12 and 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Rocket (US 20020108465).

Regarding claim 3, Rocket discloses a clamp (42) capable of being used for a handlebar on a motorcycle comprising a first split ring (44) for (is capable of) adjustably engaging a fork tube (steerer tube 14 is an extension of the fork) on the motorcycle, a second split ring (46) having an axis parallel to and integrally connected to the first split ring, a handlebar having a column portion (38) adjustably held in place by the second split ring, and a handgrip portion (32) perpendicular to the column portion, wherein both split rings have a locking portion (the bolt and the parting line) integral with their respective split rings, such that the first split ring can be tightened or loosened to install or adjust the position of the clamp axially and radially along the fork tube and the second split ring can be tightened or loosened to install or adjust the position of the handlebar axially and radially in the second split ring, whereby an infinite range of motion of the handlebar is allowed by independently moving the clamp up and down on the fork and rotating the clamp on the fork, and by independently moving the handlebar up and down in the clamp and rotating the handlebar in the clamp.

Claim Rejections - 35 USC § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bontrager (US 5,603,521), in view of the 2002 two brothers racing catalog page 77 (twobros).

Regarding claim 1, Bontrager (Figure 6) discloses a clamp capable of being used for a handlebar on a motorcycle comprising a first split ring (30) capable of engaging a fork tube on the motorcycle, a second split ring (28) having an axis parallel to and integrally connected to the first split ring, wherein both split rings have a locking portion (the flanges through which the bolts pass in Figure 6) integral with the split ring having a bolt aperture (34, 36) through the locking portions, and a bolt (22) for extending through the locking portion apertures for engaging the threads of the locking portion (one flange per ring is threaded) to adjust the size of gap between the locking portions and tightening or loosening the first split ring on the fork tube of the vehicle and tightening or loosening the second split ring on a handlebar.

Bontrager fails to disclose an arrangement for clamping the split rings, which includes cylindrical posts insertable into the locking portions of the split rings, and through which the bolt is attached.

Twobros teaches a split ring clamping arrangement in which a locking portion integral with the split ring has a first post aperture and a second post aperture, one on either side of a gap in the split ring, and a bolt aperture (shown by the positioning of bolt 3) through the locking portions, a first post having a smooth wall aperture there through and a second post having an aperture with a threaded wall there through (this is clearly true from the illustration), and a bolt (3) for extending through the locking portion

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apertures and the posts for engaging the threads of the second post to adjust the size of gap between the locking portions. This arrangement is taught as useful to distribute the clamping load over the entire split ring. Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement as disclosed by Bontrager to include a clamping arrangement as taught by twobros for the purpose of evenly distributing the clamping load.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bontrager (US 5,603,521), and the 2002 two brothers racing catalog page 77 (twobros) and further in view of Rocket (US 20020108465).

Regarding claim 2, Bontrager in view of twobros results in a handlebar having a column (14) for engaging the second split ring but fails to disclose a hand grip (68) portion extending perpendicularly from the column.

Rocket teaches the use of a handgrip portion (12) extending perpendicularly from the column (14) for the purpose of allowing a person to steer the vehicle on which the handle bar is mounted. Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement of Bontrager and twobros to include a handgrip portion extending perpendicularly from the column for the purpose of allowing a person to steer the vehicle on which the handle bar is mounted.

Regarding claim 3, Bontrager in view of twobros and Rocket results in a clamp for a handlebar on a motorcycle comprising: a first split ring for adjustably engaging a fork tube on the motorcycle, a second split ring having an axis parallel to and integrally

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connected to the first split ring, a handlebar adjustably held in place by the second split ring, wherein both split rings have a locking portion integral with their respective split rings, such that the first split ring can be tightened or loosened to install or adjust the position of the clamp axially and radially along the fork tube and the second split ring can be tightened or loosened to install or adjust the position of the handlebar axially and radially in the second split ring, whereby an infinite range of motion of the handlebar is allowed by independently moving the clamp up on down on the fork and rotating the clamp on the forks, and by independently moving the handlebar up and down in the clamp and rotating the handlebar in the clamp.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocket (US 20020108465), in view of the 2002 two brothers racing catalog page 77 (twobros).

Regarding claim 1, Rocket discloses a clamp for a handlebar on a motorcycle comprising a first split ring (44) capable of engaging a fork tube (steerer 14 is an extension of the fork) on the motorcycle, a second split ring (46) having an axis parallel to and integrally connected to the first split ring, wherein both split rings have a locking portion (the parting line and the bolt) integral with the split ring having a bolt aperture, and a bolt for extending through the locking portion for engaging the threads of the locking portion to adjust the size of gap between the locking portions and tightening or loosening the first split ring on the fork tube of the vehicle and tightening or loosening the second split ring on a handlebar.

Rocket fails to disclose an arrangement for clamping the split rings, which includes cylindrical posts insertable into locking portions of the split rings, and through which the bolt is attached, at each end of the clamp.

Twobros teaches a split ring clamping arrangement in which a locking portion integral with the split ring has a first post aperture and a second post aperture, one on either side of a gap in the split ring, and a bolt aperture (shown by the positioning of bolt 3) through the locking portions, a first post having a smooth wall aperture there through and a second post having an aperture with a threaded wall there through (this is clearly true from the illustration); and a bolt (3) for extending through the locking portion apertures and the posts for engaging the threads of the second post to adjust the size of gap between the locking portions. This arrangement is taught as useful to distribute the clamping load over the entire split ring. Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement as disclosed by Rocket to include a clamping arrangement as taught by twobros for the purpose of evenly distributing the clamping load.

Regarding claim 2, Rocket in view of twobros results in a handlebar having a column (38) for engaging the second split ring and a hand grip (32) portion extending perpendicularly from the column.

Response to Arguments

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blatt (US D320,548), Bontrager (US 5,290,052), Nastrucci (US 5,570,614), Guynn (US 6010140) are cited for disclosing arrangements relating to adjustable vehicle handle bars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DJM
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